



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JRS/MWG
F. #2019R00447

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 15, 2022

By ECF

The Honorable Raymond J. Dearie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Corey Mobley
Criminal Docket No. 19-221 (S-3) (RJD)

Dear Judge Dearie:

The government respectfully submits this letter in brief response to the defendant's sentencing memorandum supplement dated December 14, 2022. See ECF Dkt. No. 371.

The Court sentenced the defendant approximately two months ago. At that sentencing, the Court emphasized that the Court was "sentencing [the defendant] for [his] conduct," which the Court variously described as "the most vicious, plainly cruel episode that I have experienced in all my years on the bench" and "just unimaginably cruel, unimaginably cruel." Sent'g Tr. 28. In weighing that horrific conduct against the other sentencing factors set forth in 18 U.S.C. § 3553(a), the Court imposed a sentence "as generous as [the Court's] judgment permits": 240 months' imprisonment. Id. at 29.

In the past two months, nothing has changed that should alter the Court's judgment of how generous or severe a sentence is appropriate. The crime has not changed; the defendant has not changed. The only thing that has changed is that the United States Department of Justice has modified its policy on whether it believes 18 U.S.C. § 924(c) applies under the facts of the Queens home-invasion robbery, leading the government to dismiss one section 924(c) count against the defendant. The government respectfully submits that this Department of Justice policy change should not affect the Court's weighing of the factors under section 3553(a) and should not affect the sentence imposed.

Accordingly, the government respectfully requests that the Court reimpose a sentence of 240 months.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/
Jonathan Siegel
Michael W. Gibaldi
Assistant U.S. Attorneys
(718) 254-6293/6067

cc: Clerk of the Court (RJD) (by ECF)
Counsel of Record (by E-Mail and ECF)
Senior United States Probation Officer Roberta Houlton (by E-Mail)